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News Release



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CRITICAL HABITAT DESIGNATED FOR ENDANGERED RIVERSIDE FAIRY SHRIMP

The U.S. Fish and Wildlife Service published today a final rule designating approximately 306 acres of vernal pools as critical habitat for the federally endangered Riverside fairy shrimp (*Streptocephalus wootoni*). Areas designated as critical habitat include portions of Ventura, Orange and San Diego counties, California.

A final economic analysis estimated that the cost of conserving the Riverside fairy shrimp on lands eligible for designation as critical habitat has exceeded \$400 million between the time the species was listed in 1993 and the present. The analysis further estimated that the cost of conserving the shrimp over the next 20 years could exceed \$500 million. This is broken down as costs on the lands proposed for designation as critical habitat by the Service on April 7, 2004 could range between \$127 million and nearly \$352 million; and the cost of conserving the shrimp on lands identified as eligible for designation but not included in the April proposal could range between nearly \$31 million and nearly \$161 million.

Approximately 12,535 acres identified in our proposed rule as eligible for designation as critical habitat were not proposed for critical habitat designation because they are covered by approved Habitat Conservation Plans, Integrated Natural Resource Management Plans, or other management plans that address the species. The Service also excluded some eligible habitat on Marine Corps Base, Camp Pendleton because of potential impacts to military training. Areas proposed as critical habitat totaled 5,795 acres and included portions of Ventura, Los Angeles, Orange and San Diego counties.

Based on a review of the public comments received on the proposed designation of critical habitat, the economic analysis and other available information, the Service determined additional areas should be excluded from critical habitat for the Riverside fairy shrimp. Areas that were proposed as critical habitat but excluded from the final designation include lands on March Air Reserve Base; lands within the boundaries of Los Angeles International Airport; Cruzan Mesa in Los Angeles County; Saddleback Meadows in Orange County; and lands managed by the Department of Homeland Security along the U.S-Mexico border in San Diego County.

“The final designation reflects a rigorous review of public comments and information and the results of the economic analysis, and the Endangered Species Act’s requirements for designating critical habitat,” said Steve Thompson, Manager of the Service’s California/Nevada Operations.

Areas designated as critical habitat for the Riverside fairy shrimp are identified in four geographically separate units, as follows: Unit 1 totals 232 acres of land in Ventura County near the City of Moorpark; Unit 2 totals approximately 49 acres of land at O'Neill Regional Park in Orange County; Unit 3 covers 22 acres of land near the Poinsettia Lane train station in the City of Carlsbad; and Unit 4 contains 3 acres of land in the southern portion of San Diego County.

Critical habitat is a term in the ESA. It identifies geographic areas that contain features essential for the conservation of a threatened or endangered species and may require special management considerations or protection. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. It does not allow government or public access to private lands. Federal agencies that undertake, fund or permit activities that may affect critical habitat are required to consult with the Service to ensure such actions do not adversely modify or destroy designated critical habitat.

The primary constituent elements essential to the Riverside fairy shrimp include (1) small to large pools or pool complexes that have the appropriate size and volume, local climate, topography, water temperature and chemistry, soil conditions, and length of time of inundation with water necessary for Riverside fairy shrimp incubation and reproduction, as well as dry periods necessary to maintain a dormant and viable cyst bank; (2) the upslope area immediately surrounding the pool basin that provides hydrologic flow, sources of detritus and nutrients, soil and mineral transport to maintain the appropriate water chemistry and impermeability of the pool basin, and habitat for dispersers of cysts and vernal pool plant seeds or pollen; and (3) soils in the summit, rim and basin with a clay component and/or an impermeable surface or subsurface layer.

All of the lands designated as critical habitat for the Riverside fairy shrimp contain one or more of the primary habitat components and support populations of the species.

This final rule was prepared pursuant to a court order resulting from a lawsuit filed against the Service by the Building Industry Legal Defense Foundation, Foothill/Eastern Transportation Corridor Agency and others, challenging our May 2001 critical habitat designation for the Riverside fairy shrimp and the economic analysis prepared as part of the designation. As a result of this lawsuit, the previous critical habitat designation for the species was vacated by the court. The final rule published today complies with the court's ruling.

In 30 years of implementing the ESA, the Service has found that designation of critical habitat provides little additional protection for most listed species, while preventing the agency from using scarce conservation resources for activities with greater conservation benefits.

In almost all cases, recovery of listed species will come through voluntary cooperative partnerships, not regulatory measures such as critical habitat. Habitat is also protected through cooperative measures under the ESA, including Habitat Conservation Plans, Safe Harbor Agreements, Candidate Conservation Agreements and state programs. In addition, voluntary partnership programs such as the Service's Private Stewardship Grants and the Partners for Fish and Wildlife program also restore habitat. Habitat for listed species is provided on many of the Service's National Wildlife Refuges, and state wildlife management areas.

A copy of the final rule, economic analysis, and other information about the Riverside fairy

shrimp is available on the Internet at <http://carlsbad.fws.gov>, or by contacting the Carlsbad Fish and Wildlife Office at telephone number 760/431-9440.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System, which encompasses 545 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 fishery resources offices and 81 ecological services field stations. The agency enforces federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign and Native American tribal governments with their conservation efforts. It also oversees the Federal Assistance program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

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